

MAG JPME

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

OCT -9 AM 11:38

UNITED STATES OF AMERICA,

Plaintiff,

v.

Alexander RODRIGUEZ-Lino,

Defendant

Magistrate Clerk No. 07 MJ 2398

By: 

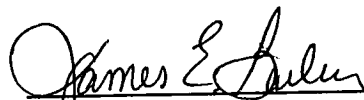
COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

The undersigned complainant, being duly sworn, states:

On or about **October 8, 2007** within the Southern District of California, defendant, **Alexander RODRIGUEZ-Lino**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

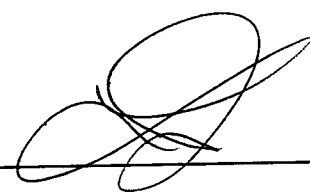
And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



SIGNATURE OF COMPLAINANT

James E. Bailey  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 9th DAY OF OCTOBER,  
2007

  
Leo S. Papas

UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:**  
**Alexander RODRIGUEZ-Lino**

**PROBABLE CAUSE STATEMENT**

On October 8, 2007, Border Patrol Agent R. Rivers was assigned to Border Patrol Operations in the area known as "West Tecate Port of Entry". This area is approximately one mile west and one half mile north of the Tecate, California Port of Entry. At approximately 6:40 a.m., National Guard Infrared Scope Operator spotted eight individuals walking north of the International Border Boundary fence between the United States and Mexico. Agent Rivers responded to the scope operator call and set up further north of the walking individuals. When the eight individuals approached Agent Rivers' location, he immediately sat them down and identified himself as a United States Border Patrol Agent in both the English and Spanish language and conducted an immigration field interview to ascertain the citizenship and immigration status of the eight individuals.

All of the subjects including one later identified as the defendant Alexander RODRIGUEZ-Lino, freely admitted to being citizens and nationals of Mexico, not in possession of any immigration documents that would allow them to enter or remain in the United States legally. All eight individuals were arrested and transported to the Brown Field State Route 94 Checkpoint for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on May 8, 2006 through Calexico, California. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.